



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/473,136      | 12/28/1999  | THOMAS F. BERGERT    |                     | 9633             |

7590 09/13/2002

THOMAS F BERGERT  
4611 KIRKLAND PLACE  
ALEXANDRIA, VA 22311

EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 09/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

|   |                                |
|---|--------------------------------|
| Application No.<br><b>09/473,136</b>    | Applicant(s)<br><b>Bergert</b> |
| Examiner<br><b>Alexander Kalinowski</b> | Art Unit<br><b>3626</b>        |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on Dec 28, 1999
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- 4)  Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-20 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      6)  Other: \_\_\_\_\_

Art Unit: 3626

## **DETAILED ACTION**

1. Claims 1-20 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, 7-14, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al.. Pat. No. 5,596,636 in view of Zhang et al., Pat. No. 6,016,478 (hereinafter Zhang).

As to claim 1, Davies discloses a method of arranging a recreational outing for participants, implemented by a server application (see Fig. 1 and abstract), comprising the steps of:

a) providing a database of information including reservation information, said reservation information including at least one selection option, said option including a time and a date for an activity from at least one recreational facility (i.e. golf course host computer database ... reservation date and time ...)(Fig.1 and col. 3, lines 33-39 and col. 4, lines 20-35);

Art Unit: 3626

b) receiving a selection from a first one of said participants using a client application of a selection option (i.e. home computer ... user enters date ... user enters exact time ... the user programs specific desired reservation information to be transmitted)(col. 4, lines 3-11 and 20-40).

Davies does not explicitly disclose

c) receiving indication information from said first participant using a client application, said indication information including information necessary for said server application to notify at least one other participant of said selection; and,

d) communicating said selection to said at least one other participant.

However, Davies does disclose communicating with participants (i.e. messages may be broadcast to all unit users or individual users)(col. 5, lines 33-35). Moreover, Zhang discloses receiving indication information from said first participant using a client application, said indication information including information necessary for said server application to notify at least one other participant of said selection (i.e. allows users to select participants)(Fig. 5E and col. 11, lines 54-61). Furthermore, Zhang discloses communicating said selection to said at least one other participant (i.e. sending to desired participants an initial meeting message)(col. 6, lines 16-40). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include c) receiving indication information from said first participant using a client application, said indication information including information necessary for said server application to notify at least one other participant of said selection and d) communicating said selection to said at least

Art Unit: 3626

one other participant as disclosed by Zhang within the Davies method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

As to claim 3, Davies does not explicitly disclose the method of claim 1 wherein said indication information includes an electronic mail address of at least one other participant.

However, Zhang discloses said indication information includes an electronic mail address of at least one other participant (see Fig. 5E and col. 11, lines 57-59). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said indication information includes an electronic mail address of at least one other participant as disclosed by Zhang within the Davies method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

As to claim 5, Davies does not explicitly disclose the method of claim 1 wherein said step of communicating said selection includes providing information as to the identity of said first participant.

However, Zhang discloses said step of communicating said selection includes providing information as to the identity of said first participant (see Fig. 5E and col. 11, lines 57-59). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include step of communicating said selection includes providing information as to the identity of

Art Unit: 3626

said first participant as disclosed by Zhang within the Davies method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

As to claim 9, Davies discloses the method of claim 1 wherein said activity is golf and said at least one recreational facility is a golf course facility (see abstract).

As to claim 10, Davies discloses the method of claim 1 including, between steps © and (d), the step of receiving instructions from said first participant using a client application to book a reservation for the time and date and facility connected with said selection option (i.e. home computer ... user enters date ... user enters exact time ... the user programs specific desired reservation information to be transmitted)(col. 4, lines 3-11 and 20-40) .

As to claim 11, Davies discloses the method of claim 10 including the further step of communicating said booked reservation to said facility connected with said selection option (i.e. home computer ... user enters date ... user enters exact time ... the user programs specific desired reservation information to be transmitted)(col. 4, lines 3-11 and 20-40) .

As to claim 12, Davies discloses the method of claim 1 including the further steps of (f) receiving instructions from said first participant using a client application to book a reservation for

Art Unit: 3626

the time and date and facility connected with said selection option (i.e. reservation time and date ...)(col. 4, lines 20-30).

Davies does not explicitly disclose

(e) receiving acceptance information from said at least one other participant using a client application.

However, Zhang discloses receiving acceptance information from said at least one other participant using a client application (i.e. receiving user can now simply respond to the form, whereupon his or her answer is transmitted back to the sender)(col. 46, lines 16-23). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include

(e) receiving acceptance information from said at least one other participant using a client application as disclosed by Zhang within the Davies method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

As to claim 13, Davies discloses the method of claim 12 including the further step of communicating said booked reservation to said facility connected with said selection option (i.e. home computer ... user enters date ... user enters exact time ... the user programs specific desired reservation information to be transmitted)(col. 4, lines 3-11 and 20-40).

As to claim 14, Davies does not explicitly disclose the method of claim 1 including, between steps (b) and (c), the step of creating an event reply page responsive to said selection,

Art Unit: 3626

said event reply page having available slots, and wherein step (d) includes sending an electronic mail message to said at least one other participant providing a link to the event reply page.

However, Zhang discloses the step of creating an event reply page responsive to said selection, said event reply page having available slots (i.e. HTML form as a scheduling invitation ... the accept and decline responses are mapped to HTML buttons)(col. 44, line 63 - col. 45, line 20). Furthermore, Zhang discloses includes sending an electronic mail message to said at least one other participant providing a link to the event reply page )(see Fig. 13 and col. 44, line 63 - col. 45, line 20). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include between steps (b) and (c), the step of creating an event reply page responsive to said selection, said event reply page having available slots, and wherein step (d) includes sending an electronic mail message to said at least one other participant providing a link to the event reply page as disclosed by Zhang within the Davies method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

As to claim 16, Davies does not explicitly disclose the method of claim 14 including the further step of receiving one or more reply confirmations from said at least one other participant using a client application.

However, Zhang discloses receiving one or more reply confirmations from said at least one other participant using a client application (i.e. receiving user can now simply respond to the form, whereupon his or her answer is transmitted back to the sender)(col. 46, lines 16-23). It

Art Unit: 3626

would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the further step of receiving one or more reply confirmations from said at least one other participant using a client application as disclosed by Zhang within the Davies method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

As to claim 17, Davies discloses a computer system for arranging a golf outing for a plurality of participants (see abstract and Fig. 1), comprising:  
a network to which a first one of said participants and at least one other participant have access and across which said provider and said participants can communicate information using respective client systems (i.e. home computer ... user enters date ... user enters exact time ... the user programs specific desired reservation information to be transmitted)(see Fig. 1 and col. 4, lines 3-11 and 20-40); and  
a server application operable to communicate information across the network, said server application operable to:  
provide a database of information including reservation information, said reservation information including at least one selection option, said option including a time and a date for an activity from at least one recreational facility (i.e. database 16)(Fig. 1 and col. 3, lines 37-44 and col. 4, lines 21-26);

Art Unit: 3626

receive a selection from said first participants using a client application of a selection option (i.e. sends first option to the system)(col. 4, lines 30-40).

Davies does not explicitly disclose

receive indication information from said first participant using a client application, said indication information including information necessary for said server application to notify said at least one other participant of said selection; and,  
communicate said selection to said at least one other participant.

However, Davies does disclose communicating with participants (i.e. messages may be broadcast to all unit users or individual users)(col. 5, lines 33-35). Moreover, Zhang discloses receiving indication information from said first participant using a client application, said indication information including information necessary for said server application to notify at least one other participant of said selection (i.e. allows users to select participants)(Fig. 5E and col. 11, lines 54-61). Furthermore, Zhang discloses communicating said selection to said at least one other participant (i.e. sending to desired participants an initial meeting message)(col. 6, lines 16-40). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include c) receiving indication information from said first participant using a client application, said indication information including information necessary for said server application to notify at least one other participant of said selection and d) communicating said selection to said at least one other participant as disclosed by Zhang within the Davies method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

Art Unit: 3626

As to claim 18, Davies discloses a computer system for arranging a golf outing for a plurality of participants, implemented by a server application (see Fig. 1 and abstract), comprising: means for providing golf reservation information to a plurality of participants (i.e. database 16 ... sends confirmation information from the host computer for display to the user)(col. 4, lines 30-40);

means for a first participant to select a desired reservation (see Fig. 2).

Davies does not explicitly disclose means for said first participant to pre-populate a list of electronic mail addresses for at least one additional participant, means for notifying said list of an invitation to join said first participant at said desired reservation; and means for said at least one additional participant from said list to confirm acceptance of said invitation to join.

However, Davies does disclose communicating with participants (i.e. messages may be broadcast to all unit users or individual users)(col. 5, lines 33-35). Moreover, Zhang discloses means for said first participant to pre-populate a list of electronic mail addresses for at least one additional participant (see Fig. 5E). Zhang also discloses means for notifying said list of an invitation to join said first participant at said desired reservation i.e. sending to desired participants an initial meeting message)(col. 6, lines 16-40). Finally, Zhang discloses means for said at least one additional participant from said list to confirm acceptance of said invitation to

Art Unit: 3626

join (i.e. HTML form as a scheduling invitation ... the accept and decline responses are mapped to HTML buttons)(col. 44, line 63 - col. 45, line 20). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for said first participant to pre-populate a list of electronic mail addresses for at least one additional participant, means for notifying said list of an invitation to join said first participant at said desired reservation; and means for said at least one additional participant from said list to confirm acceptance of said invitation to join as disclosed by Zhang within the Davies method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

As to claim 19, Davies discloses the computer system of claim 18 further including means for said first participant to book said selected reservation (i.e. user enters reservation time and date ...)(col. 4, lines 20-30).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies and Zhang as applied to claim 1 above, and further in view of Pastin, Bob, "World Amateur Handicap Tourney is Mecca for Hackers" (hereinafter Pastin).

As to claim 2, Davies and Zhang do not explicitly disclose the method of claim 1 wherein said database includes profile information for at least one of said participants, said profile

Art Unit: 3626

information including at least one element, and wherein said indication information includes at least one selected element of said profile information whereby said server application can notify each participant having said selected element in said participant's profile.

However, Zhang discloses a scheduling system that notifies other members of a group about a scheduled event (i.e. sending to desired participants an initial meeting message)(col. 6, lines 16-40). Moreover, Pastin discloses golf tournaments where players are grouped according to their handicaps (i.e. profile)(page 2). The purpose of grouping players according to their handicaps is to compete with golfers of similar skills (page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include grouping players according to their profiles as disclosed by Pastin within the Davies and Zhang combination for the motivation of competing with golfers of similar skills ( page 2).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies and Zhang as applied to claim 1 above, and further in view of Kasavana, Michael L, "Making more hours in the day"(hereinafter Kasavana).

As to claim 4, Davies discloses the method of claim 1 wherein said step of communicating said selection includes providing information as to the time and date of said selection (i.e. reservation time and date ...)(col. 4, lines 20-30).

Davies and Zhang do not explicitly disclose

Art Unit: 3626

communicating said selection includes providing information as to the facility location of said selection.

However, Kasavana discloses communicating said selection includes providing information as to the facility location of said selection ((i.e. typically, the system prompts the member for their ... desired start time and course specification)(page 6). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include communicating said selection includes providing information as to the facility location of said selection as disclosed by Kasavana within the Davies and Zhang combination for the motivation of optimizing golf course operations (page 6, sixth paragraph).

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies and Zhang as applied to claim 1 above, and further in view of Diaz, Christina Valdez, "Road Warriors plot their course early"(hereinafter Diaz).

As to claim 6, Davies and Zhang do not explicitly disclose the method of claim 1 wherein said step of communicating said selection includes providing information as to the directions to the physical location of said recreational facility.

However, Diaz discloses said step of communicating said selection includes providing information as to the directions to the physical location of said recreational facility (i.e. area map)(page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said step of communicating said selection includes providing

Art Unit: 3626

information as to the directions to the physical location of said recreational facility as disclosed by Diaz within the Davies and Zhang combination for the motivation of finding a golf course in an unfamiliar city (page 2, paragraphs 1 and 2).

As to claim 7, Davies and Zhang do not explicitly disclose the method of claim 1 wherein said database of reservation information is received from said at least one recreational facility using a client application and includes a pricing schedule.

However, Diaz discloses said database of reservation information is received from said at least one recreational facility using a client application and includes a pricing schedule (i.e. cost)(page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said database of reservation information is received from said at least one recreational facility using a client application and includes a pricing schedule as disclosed by Diaz within the Davies and Zhang combination for the motivation of finding a golf course in an unfamiliar city (page 2).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies, Zhang and Diaz as applied to claim 7 above, and further in view of Official Notice.

As to claim 8, Davies, Zhang and Diaz do not explicitly disclose the method of claim 7 wherein said pricing schedule includes prices which vary depending upon the hour of the reservation selection, and wherein said step of communicating said selection includes providing

Art Unit: 3626

information as to the time and price of said selection, said price being determined by the associated time of the selection.

However, the Examiner takes official notice that it was well known in the reservation arts to vary prices of scheduled events according to whether the booked event was scheduled to occur during prime time (i.e. peak demand) or off demand. The purpose of varying the prices of the reserved event was to maximize the revenue stream generated by reservations over a period of time by increasing the price of the event when demand is at its greatest and people are willing to pay more for a reservation while lowering the price during off peak hours when the demand for the event is reduced. For example, theaters vary ticket prices to a movie according to the time of day that the movie is scheduled to be shown. Matinee tickets are lower priced tickets for those times the movie is shown when demand for the tickets is reduced, typically before 6 pm. Movie ticket prices for the same movie shown after matinee hours are higher since customers are more apt to attend movies in the evening for convenience sake even though ticket prices are higher. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said pricing schedule includes prices which vary depending upon the hour of the reservation selection, and wherein said step of communicating said selection includes providing information as to the time and price of said selection, said price being determined by the associated time of the selection within the Davies, Zhang and Diaz combination for the motivation of maximizing the revenue stream generated by reservations over a period of time.

Art Unit: 3626

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies and Zhang as applied to claim 14 above, and further in view of Kasavana.

As to claim 15, Davies and Zhang do not explicitly disclose the method of claim 14 wherein said event reply page includes at most three available slots.

However, Kasavana discloses a golf scheduling system based on accepting reservations for foursomes thereby disclosing the requirement of the system to define a reservation that includes four members (page 6, paragraph 3). Furthermore, Kasavana discloses that a reservation can be entered by entering the names of the members of a group. Therefore, Kasavana discloses that for a valid reservation to be accepted, besides the first participant, at most three additional participants may be added to the reservation. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said event reply page includes at most three available slots as taught by Kasavana within the Davies and Zhang combination for the motivation of optimizing golf course operations (page 6, sixth paragraph).

9. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Davies and Zhang as applied to claim 18 above, and further in view of Kasavana.

As to claim 20, Davies and Zhang do not explicitly disclose the system of claim 18 wherein said means for confirming acceptance is limited to receiving at most three acceptances.

However, Kasavana discloses a golf scheduling system based on accepting reservations for foursomes thereby disclosing the requirement of the system to define a reservation that includes

Art Unit: 3626

four members (page 6, paragraph 3). Furthermore, Kasavana discloses that a reservation can be entered by entering the names of the members of a group. Therefore, Kasavana discloses that for a valid reservation to be accepted, besides the first participant, at most three additional participants may be added to the reservation. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said means for confirming acceptance is limited to receiving at most three acceptances as taught by Kasavana within the Davies and Zhang combination for the motivation of optimizing golf course operations (page 6, sixth paragraph).

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. .
- a. Pat. No. 5,940,803 discloses an itinerary making system.
  - b. Pat. No. 5,127,044 discloses an electronic golf scoring and scheduling system.
  - c. JP 04335461 A discloses a system for processing reservations of facilities.
  - d. "Golfers can use Web to set tee times" discloses an Internet based golf reservation system.

Art Unit: 3626

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 6:30 AM to 4:00 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reached the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.



Alexander Kalinowski

Patent Examiner

Art Unit 3626

September 10, 2002